

Notice of Allowability

Application No.

10/043,369

Examiner

Aravind K. Moorthy

Applicant(s)

FETKOVICH, JOHN E.

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/23/06.
2. ☒ The allowed claim(s) is/are 1,3-21 and 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

CHRISTOPHER REVAK
PRIMARY EXAMINER

CR 3/17/06

DETAILED ACTION

1. This is in response to the amendment filed on 23 January 2006.
2. Claims 1, 3-21 and 24 are pending in the application.
3. Claims 1, 3-21 and 24 have been allowed.
4. Claims 2, 22 and 23 have been cancelled.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Whitham on 14 March 2006.

The application has been amended as follows:

Claim 24 (Amended) A method for controlling access of digital information, comprising:

storing digital information in an encrypted form on a host system;

storing an application program for reproducing the digital information on the host system;

storing a first decryption key on the host system;

activating the application program to reproduce the digital information on the host system, said application program reproducing the digital information based on said first decryption key, said first decryption key controlling said application program to reproduce only a portion of the digital information; and

storing a second decryption key on the host system,

wherein said application program reproduces the digital information a second time based on said second decryption key, said second decryption key controlling said application program to reproduce all of the digital information.

Allowable Subject Matter

6. Claims 1, 3-21 and 24 are allowed.

The following is an examiner's statement of reasons for allowance:

Independent claims 1, 9 and 21 are directed towards a system and method for controlling the access to and reproduction of encrypted digital information on a host system. In the preferred embodiment, after compression and encryption steps the digital information is conveyed to the host system preferably with one of a plurality of decryption keys. The host system may use alternate means to obtain decryption keys. The decryption keys perform two functions. First, each key decrypts the digital information. Second each key controls host system software, for example the media player application, to affect a different level and/or type of reproduction quality degradation on the media player. The level and type of reproduction quality degradation may be controlled by a time condition or a use condition, or alternatively, reproduction may be limited to only a portion of the digital information sought by the user. For example, quality may be degraded to a point where there is slight degradation (e.g. where coloration of the images are altered), or substantial or complete degradation may be affected (e.g. a scrambling effect or even a dark screen). To control reproduction quality in this manner, the media player application preferably accesses a table of information that correlates each of the types of decryption keys

with a certain reproduction quality. Ultimately, the user can purchase or otherwise obtain the decryption key that allows for continued viewing of the digital information without degradation.

The closest prior art to independent claims 1, 9 and 21 is Inoha U.S. Patent No. 6,889,327 B1. Inoha is directed towards a copyrighted digital data management method wherein, after a user terminal executes a data usage accounting procedure for a contents provider, enciphered copyrighted digital data generated by enciphering chargeable copyrighted digital data using encryption key data, digital sample preview data generated from an outline of the copyrighted digital data at a non-chargeable level without enciphering, decryption key data for deciphering the enciphered copyrighted digital data, and additional data required for accounting are transmitted from the contents provider to the user terminal over a network.

Regarding independent claim 1, Inoha does not teach or fairly disclose comparing the first type of decryption key to the data stored on the host system to identify the first type of reproduction quality degradation. Inoha does not teach or fairly disclose that the reproducing step includes degrading the reproduction quality of the digital information in accordance with the first type of reproduction quality degradation identified in the comparing step.

Regarding independent claim 9, Inoha does not teach or fairly disclose the first decryption key instructing an application program on the host system to degrade the reproduction quality of the digital information based on at least one of a time condition and a use condition.

Regarding independent claim 21, Inoha does not teach or fairly disclose reproducing the digital information a second time, using a second decryption key, with a second quality of reproduction, the second quality of reproduction being degraded relative to the first quality of reproduction.

Independent claim 24 is focused on one particular embodiment of the invention where a first decryption key allows the application program reproducing the digital information to reproduce only a portion of the digital information. It provides for a second decryption key at the host that allows for reproducing all of the digital information. This allows for a user to view a portion of the digital information before making a decision to purchase or otherwise obtain the second decryption key to reproduce the digital information in its entirety.

The closest prior art to independent claim 24 is Hori et al U.S. Patent No. 6,898,708 B2 (hereinafter Hori). Hori teaches a data distribution system using a plurality of keys to encrypt and decrypt data and retain session logs. For example, each content producing circuit and memory card has associated keys. Unique session keys are generated in response to every distribution session, transfer session, and reproduction session. The system requires the generation of certain key combinations in certain orders before allowing the reproduction of data. Once the sequence of key combinations is complete, the requested data is reproduced in the reproducing circuit in its entirety. However, Hori does not teach the use of any number of decryption keys to reproduce only a portion of stored data. Further, Hori does not teach the use of an additional decryption key to allow the reproduction of stored data in its entirety.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy
March 15, 2006

AM

CHRISTOPHER REVAK
PRIMARY EXAMINER

Cell 3/17/06